

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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November 1, 2021

The Honorable Carolyn Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman Maloney:

For months, we have questioned the “motivation and legitimacy of your inquiries” into the oil and gas industry.¹ After the tactics used by Democrats during last week’s hearing attacking American industry our concerns were validated. Your decision to subpoena each of the six entities appearing voluntarily at the hearing—who have cooperated with the Committee’s investigation for months by producing nearly 200,000 pages of documents—is partisan political theater at its worst. We object to Democrats using subpoenas that serve only one purpose: to create a spectacle to appease your most outspoken political supporters.

From the beginning, it was obvious that Democrats intended to issue subpoenas. According to *Politico*, “**House Democrats are taking a step that liberals have dreamed about for decades: subpoenaing Big Oil.**”² Ironically, months before any of the entities were even asked to provide documents or appear at a hearing, Subcommittee Ranking Member Ro Khanna revealed that Democrats plan was to issue subpoenas all along. In May 2021, Rep. Khanna stated, “**we’ve been working with the chair, and the chair has said that she’s open to it.**”³ This is particularly troubling because not only did all of the entities voluntarily appear at a hearing on the initial date you requested, but they also have provided the Committee with voluminous amounts of documents and information.

While you continuously accuse the oil and gas industry of conducting “misinformation campaigns,” your manufactured crisis that no one is cooperating with the Committee’s investigation is in itself a misinformation campaign. After Democrats initial request for documents from Exxon on August 6, 2021, **you have received information from every entity you intend to subpoena in at least 16 different productions, totaling nearly 200,000 pages of**

¹ Letter from Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform, & Hon. Ralph Norman, Ranking Member, H. Subcomm. on Env’t, to Hon. Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight & Reform, & Hon. Ro Khanna, Chairman, H. Subcomm. on Env’t (Aug. 18, 2021).

² POLITICO, *House Democrats are taking a step that liberals have dreamed about for decades: subpoenaing Big Oil*, (Oct. 28, 2021 at 5:40 PM EDT).

³ Nick Sobczyk, *Ro Khanna Mulls subpoena of fossil fuel executives*, E&E NEWS, (May 19, 2021).

documents. Though Democrats may not like the contents of the productions because they do not confirm your unfounded allegations, the documents are responsive to your overly broad requests. These entities have produced a substantial number of documents much quicker than would be required during most litigation, though not fast enough for Democrats who predetermined in May that subpoenas were necessary before even launching an investigation.⁴

The timing of these subpoenas is even more suspect considering you expanded the scope of your request on September 16, 2021.⁵ This overly broad request includes documents dating as far back as 2015. It is unreasonable to expect any entity to produce all information requested for such a wide range of documents covering more than six years in a matter of weeks. Our Executive Branch cannot even produce documents to Congress unless it has previously been produced through the Freedom of Information Act. Considering that the entities have produced nearly 200,000 pages of documents since your initial request on August 6, the Committee is receiving an average of over 10,000 documents per week. Your use of the Committee's subpoena power to appeal to primetime news is only further weakening congressional oversight, which you have done repeatedly since assuming the majority in 2019.

On September 28, 2021, Committee Republicans wrote objecting to your request for protected First Amendment communications between the oil and gas industry and Congress.⁶ While you failed to respond, you apparently agreed with us since you did not explicitly request communications with Congress in the draft subpoena schedule. However, your subpoenas do continue to show a willingness to infringe on the most basic rights protected by the First Amendment. For example, your demand for communications received and sent by the entities' federal government affairs offices will undoubtedly capture protected communications with Congress and the federal government. Other requests for policy deliberations and communications about advertising also raise serious First Amendment concerns. Seeking such communications would, at the very least, have a chilling effect on the constitutional prerogatives of the targeted entities.

The purpose of the Committee on Oversight and Reform is to root out waste, fraud, and abuse in the federal government. However, Democrats are weaponizing the Committee's oversight tools to score political points by attacking American industry. Issuing these subpoenas will not expedite the production of documents to the Committee; in fact, it will likely slow down production. Given the extraordinary level of cooperation by the oil and gas industry, including appearing at a hearing for six hours and producing close to 200,000 documents, we urge you to reconsider your announced decision to issue subpoenas in this matter. If you intend to pursue this course of action, we request that you allow all Committee Members an opportunity to publicly weigh in on this matter during the Committee's markup on November 4, 2021 by holding a vote on the subpoenas, as was the practice undertaken by your predecessor, Chairman Elijah Cummings.

⁴ *See Id.*

⁵ Letter from Carolyn B. Maloney, Chairwoman, H. Comm on Oversight & Reform, et al., to Darren Woods, ExxonMobil Corp. CEO (Sept. 16, 2021)

⁶ Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform, to Carolyn B. Maloney, Chairwoman, H. Comm. on Oversight & Reform (Sept. 28, 2021).

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Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is fluid and cursive, with the first name "James" and last name "Comer" clearly legible.

James Comer
Ranking Member